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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,550	04/19/2001	Colin I'Anson	1509-155	7560

22879 7590 10/28/2005

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/837,550

Applicant(s)

I'ANSON ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,16,21,23 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,16,21,23 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/8/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 16, 21, 23, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano.

Fano teaches location based agents used to provide shopping assistance to users.

Examiner notes that this includes identifying a functional significance of a user's location manually as a user selects a desired location from a list of locations he/she intends to visits, specifically malls (column 47, lines 40-46).

Fano further teaches utilizing a GPS receiver to determine a users exact location (column 47, lines 20-25). Fano then uses the determined location and the manually selected functional significance to determine a search parameter (column 47 lines 48-50). This search parameter is used to provide the user with location specific shopping assistance.

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Examiner notes that Applicant's present invention, automatically determines the functional significance of a user's geographic location. Then uses this automatically determined functional significance to determine the search parameter.

In other words, Applicant's invention determines the users geographic location (most likely through a GPS receiver, but the claims are not limited to such a device, based on the broad nature of the claims, the user could submit the location manually though the enquiry device). Based on this location, the present invention determines where the user is (e.g. is the user in a mall, in a specific store, on the highway). Based on this "function" of the location, the present invention is able to determine the type of information the user might specifically want and is able to define a search parameter. This parameter is then used to answer the user's search inquiry.

Examiner notes that the specific example of Fano, requires the user to manually indicate the shopping venue (functional significance), which is then used by the system to determine a search parameter and finally to answer user's search enquiry.

However, Fano teaches on column 48, line 45 through column 49, line 35 predicting the value of a user's location. Specifically, Fano teaches automatically determining where a user is located (e.g. bowling alley versus post office). Further, by determining the functional significance of a user's location, the system is able to apply knowledge (geographical search parameter) in order to provide a user with location specific information.

Examiner asserts that these are the very concepts of Applicant's invention; determining a user's location and applying some functional significance to that location in order to provide the user with location-specific information.

Examiner further asserts that one of ordinary skill in the art at the time of the present invention, by combining the concepts taught by Fano in column 47, line 20-column 48, line 44 with the concepts taught in column 48, line 45 – column 49, line 35, in order to replace the manual entry of the user's intended shopping value with a predictive value of the user's shopping value. This replace thus represents Applicant's present invention. Specifically, a user's location is first determined (e.g. shop, mall, bowling alley, post office, restaurant etc). Based on the user's location, the system of Fano applies a significance to constrain the information provided to the user (geographical search parameter).

Examiner notes that one of ordinary skill in the art would have been motivated to combine these teachings of Fano to supply the user with location-specific information.

#### ***Response to Arguments***

Applicant asserts that, "a geographic search parameter or geographic coverage of a search is not the same as 'determining a user's location and applying some functional significance to that location in order to provide the user with location-specific information.'" Further Applicant asserts "different functional significances of the user's current location (as taught by Fano) do not result in different geographic scopes to a search as is implicit in the presently claimed invention." Examiner respectfully disagrees and asserts that this is exactly the teachings of Fano in "The Predictive Value of Location" section. Specifically, Fano teaches determining the functional significance of a user's location, e.g. is the user at a bowling alley or the post office. In other words, as Applicant defines in the Specification on page 13, lines 26-29, what is the "function" of the user's current location? The result of this determination absolutely returns

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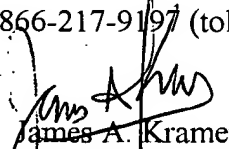
different "geographical scopes" or "geographical search parameters" based on the function of the location.

For further support of this position see Fano column 48, lines 55-58, "knowledge of the resources and obstacles present at a particular location suggest the range of possible and likely actions of someone at that location."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627  
10/24/05

jak